

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARTIS ELLIS, §
§
Plaintiff, § CIVIL ACTION NO.
VS. § 4:14-cv-02126
EDUCATIONAL COMMISSION OF §
FOREIGN MEDICAL GRADUATES, §
§
Defendant. §

**JOINT MOTION FOR CONTINUANCE
OF ALL REMAINING CASE DEADLINES**

Plaintiff Artis Ellis ("Ellis") and Defendant Educational Commission for Foreign Medical Graduates ("ECFMG") (jointly referred to herein as "the Parties") file this Joint Motion for Continuance to extend all remaining case deadlines in the Court's First Amended Scheduling Order for a period of five (5) months. In support of this Joint Motion, the Parties state the following:

1. Ellis filed her Complaint on July 24, 2014, alleging claims of discrimination and retaliation based on the Americans with Disabilities Act, as amended, ("ADAAA"), the Texas Commission on Human Rights Act ("TCHRA"), and the Family and Medical Leave Act ("FMLA"). On November 6, 2014, this Court issued a Scheduling Order. Dkt. 15.

2. The Parties moved to continue the dates in the initial Scheduling Order due to trial settings in other courts that prevented the Parties from completing discovery. This Court granted that request on October 20, 2015 at Dkt. 24, and issued a First Amended Scheduling Order. This is the Parties' second request for an extension of the deadlines contained in the Court's Scheduling Order.

3. The Parties have participated in written discovery and request this extension to allow them the requisite time to complete the discovery process. Specifically, additional time is

needed to take depositions, because Ellis has not yet been deposed. Initially, ECFMG postponed scheduling Ellis's deposition because Ellis delayed executing the releases needed to take her deposition and failed to provide a complete list of medical providers necessary to subpoena third party records. Next, once Ellis's deposition was able to be set, and through no fault of either party, the Parties had to reschedule Ellis's deposition three times due to Ellis's various illnesses and multiple hospitalizations. Ellis also suffered the death of her mother during this time period. Most recently, the Parties were to depose Ellis on February 18, 2016, but on February 16, 2016, Ellis was again hospitalized—this time being placed in the Intensive Care Unit. Currently, Ellis's deposition is set for March 15, 2016, and Ellis plans to depose multiple defense witnesses subsequent to her deposition.

4. This extension of time will allow the Parties the requisite time to complete discovery and prepare this case for trial.

5. Given the above, this extension is not sought for delay only, but so that justice may be done.

6. The Parties have conferred and would respectfully propose the following amendments to the Court's First Amended Scheduling Order (and a draft proposed Scheduling Order is attached at Ex. A):

- a. The discovery deadline would be moved from March 4, 2016 to August 5, 2016.
- b. The dispositive motions and non-dispositive motions deadline would be moved from May 6, 2016 to October 7, 2016.
- c. The joint pretrial order deadline would be moved from July 13, 2016 to December 16, 2016.
- d. The current trial date would be reset from the present date of September 12, 2016 to February 20, 2017.

Plaintiff Artis Ellis and Defendant Educational Commission for Foreign Medical Graduates jointly request that this Court enter an Order granting this Joint Motion for Continuance and continue all remaining case deadlines as requested above.

Dated: March 1, 2016

Respectfully Submitted,



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